

### **REMARKS**

This responds to the Office Action mailed on June 29, 2006, and the references cited therewith.

Claims 9, 31, and 39 are amended, claims 7, 13, 23-30, and 43-45 are canceled, without prejudice to the Applicants; as a result, claims 1-6, 8-12, 14-22, and 31-42 are now pending in this application.

#### **Claim Objections**

Claim 39 were objected to because of dependency. Claim 39 has been corrected to depend from claim 37. Withdrawal of the rejection is respectfully requested.

#### **§112 Rejection of the Claims**

Claims 7, 9-10 and 13 were rejected under 35 U.S.C. § 112, second paragraph, for indefiniteness. Claims 7 and 13 were cancelled so the rejections with respect to those claims are now moot. Claim 10 was rejected for being dependent from claim 9, and claim 9 was amended to correct the ambiguity cited by the Examiner. Consequently, claims 9 and 10 are now in condition for allowance.

#### **§101 Rejection of the Claims**

Claims 23-30 were rejected under 35 U.S.C. § 101 because the claimed invention is directed to non-statutory subject matter. Although Applicant respectfully disagrees that data structures are per se non statutory subject matter, Applicant has canceled these claims in the interest of expediting the present matter. Applicant does however reserve the right to file later continuations that may be directed to the subject matter included in these rejected claims.

#### **§102 Rejection of the Claims**

Claims 43-45 were rejected under 35 U.S.C. § 102(e) for anticipation by Wu (U.S. Publication 2001/0003198). Although Applicants disagree with the Examiner's conclusion on

this and the Wu reference, claims 43-45 have been cancelled. Applicants reserve the right to file subsequent continuations directed to the subject matter included in claims 43 and 45.

*Allowable Subject Matter*

Claims 1-6, 8, 11-12, 14-22 and 32-42 were allowed. Applicant acknowledges and appreciates the indication of allowance with respect to the above referenced claims. Claim 9 is now also amended to correct an ambiguity detected by the Examiner. Thus, Applicant also believes that claims 9-10 are also now in condition for allowance.

Claim 31 was objected to as being dependent upon a rejected base claim, but was indicated to be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant has amended claim 31 to include all the limitations of the base rejected claim 28. Consequently, Applicant believes that claim 31 is now in condition for allowance as well.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (210) 308-5677 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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By his Representatives,

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09/28/06

By /

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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 28 day of September 2006.

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